IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION Nos. 24886 AND 24956 OF 2004

-

WRIT PETITION No. 24886 of 2004

Between:

K. Venkata Ramana, S/o. Sri K. Raja Rao,
R/o. 99 Parama Reddy Hills, Rajendranagar Ring Road, Hyderabad.

..... PETITIONER

AND

1. The Government of A.P., rep. by its Principal Secretary,
Commerce and Industries, Secretariat, Hyderabad.
2. The Government of A.P., rep. by its Principal Secretary, Irrigation & CAD,
Secretariat, Hyderabad,
3. The Director, Mines and Geology, BRKR Bhavan, Hyderabad.
4. The Asst. Director, Mines and Geology, H.No.6-288(8),
3rd line, Maruthinagar, Kurnool Road, Ongole. Prakasam District.
5. The Superintending Engineer, NSP Circle, Opp. Ram Nagar, Ongole-573001,
Prakasam District.
6. The District Collector, Ongole, Prakasam District.
7. The Executive Engineer, O& M. Division, Cheemakurthy (M), Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue any writ order or direction particularly one in the nature of mandamus declaring the action of the respondent department in initiating and going ahead with the proposal for the construction of Sri Ramtheertham Balancing Reservoir across

Ongole Branch Canal of Nagarjuna Sagar Project, at Cheemakurthy Mandal, Prakasam District, as illegal, arbitrary, contrary to the Public Interest, contrary to the interest of the State and Central Goverment in terms of revenue losses and consequently direct the 4th respondent to consider re-locating the said project in any other viable place.

Counsel for the Petitioner: Dr. P.B.VIJAY KUMAR

Counsel for the Respondents: The Advocate-General.

WRIT PETITION NO : 24956 of 2004

Between:

M/s. Central Granites, a Partnership Firm, rep. by its Managing Partner Vemula Prasad,
S/o. Late Balasubbarayudu, Aged 39 Years,
R/o. T. Nagar, Chennai.

..... PETITIONER

AND

1. The Government of A.P., rep. by its Principal Secretary, Commerce and Industries, Secretariat, Hyderabad.
2. The Government of A.P, rep. by its Principal Secretary, Irrigation & CAD, Secretariat, Hyderabad.
3. The Director, Mines and Geology, BRKR Bhavan, Hyderabad.
4. The Asst. Director, Mines and Geology, H.No.6-288(8), 3rd Lane, Maruthinagar, Kurnool Road,
Ongole. Prakasam District.
5. The Superintending Engineer, NSP Circle, Ongole -573001, Prakasam District.
6. The District Collector, Ongole, Prakasam District.
7. The Executive Engineer, O & M Division, Cheemakurthy (M), Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue any writ order or direction particularly one in the nature of mandamus declaring the action of the respondent department in initiating and going ahead with the proposal for the construction of Sri Ramtheertham Balancing Reservoir Across Ongole Branch Canal of Nagarjuna Sagar Project at Cheemakurthy Mandal, Prakasam Dsitrict, as illegal, arbitrary, contrary to the Public interest, contrary to the interest of the State and Central Government in terms of revenue losses and consequently direct the 4th respondent to consider re-locating the said Project in any other viable place.

Counsel for the Petitioner: Dr. P.B.VIJAY KUMAR

Counsel for the Respondents: The Advocate-General.

The Court made the following :

ORAL COMMON ORDER:

(per Honourable Sri Devinder Gupta, the Chief Justice)

These two petitions are filed by the licensees who have got the mining lease for extraction of the granite, which is stated to be of rare quality. In case, there is a proposal for construction of the project, Sri Ramtheertham Balancing Reservoir across Ongole Branch Canal of Nagarjuna Sagar Project" at Cheemakurthy Mandal, Prakasam District, at the place of their lease, the remedy of the petitioners would be to claim damages and not to challenge the action of the respondents in a Writ Petition. Moreover, it must known that the through the same Advocate, a Public Interest Litigation was also filed by one practicing advocate, in which, a report of the private geologist was relied upon, which has been made the basis of filing the present writ petition. We do not find any force in these Petitions and would dismiss the same with liberty reserved to the petitioners to claim damages, in case, they are aggrieved by the action of the respondents and their leases stand illegally terminated or stand frustrated. No costs.

_____

DEVINDER GUPTA, C.J.

31.1.2005. _____

M.NARAYANA REDDY, J.

VR.

To

1. The Principal Secretary to Government of A.P., Commerce and Industries, Secretariat, Hyderabad.
2. The Principal Secretary to Government of A.P,Irrigation & CAD, Secretariat, Hyderabad.
3. The Director, Mines and Geology, BRKR Bhavan, Hyderabad.
4. The Asst. Director, Mines and Geology, H.No.6-288(8), 3rd Lane, Maruthinagar, Kurnool Road,
Ongole. Prakasam District.
5. The Superintending Engineer, NSP Circle, Ramnagar, Ongole -573001, Prakasam District.
6. The District Collector, Ongole, Prakasam District.
7. The Executive Engineer, O & M Division, Cheemakurthy (M), Prakasam District.

8. Two CCs to the Advocate-General, High Court Buildings, Hyderabad (OUT).

9. Two CD copies.